

Message Text

LIMITED OFFICIAL USE

PAGE 01 BRUSSE 08542 251214Z

44

ACTION ITFE-00

INFO OCT-01 EUR-12 ISO-00 ORM-01 DHA-02 VO-03 SCA-01

INSE-00 SS-15 NSC-05 L-03 CIAE-00 INR-07 NSAE-00

DODE-00 EA-07 AID-05 IO-10 /072 W

----- 117756

P 251102Z SEP 75

FM AMEMBASSY BRUSSELS

TO SECSTATE WASHDC PRIORITY 5025

AMCONSUL ANTWERP

LIMITED OFFICIAL USE BRUSSELS 08542

E.O. 11652: N/A

TAGS: SREF, BE

SUBJECT: INDOCHINESE IN BELGIUM: (1) REQUEST FOR GUIDANCE ON
DEFINITION OF REFUGEE; (2) BOG POLICH ON GRANTING POLITICAL
ASYLUM

REF: STATES 221649; 211652; 167777

1. THE EMBASSY REQUESTS ADDITIONAL GUIDANCE ON CURRENT DEFINITION
OF REFUGEE.

2. IN STATE'S TEL 167777 IN REF, DEFINITION OF REFUGEE GIVEN AS
PERSON WHO DEPARTED VIETNAM OR CAMBODIA BETWEEN 15 MARCH 1975,
AND 1 JULY 1975, IN FEAR OF PERSECUTION, ETC. INCLUDED WITHIN
THIS DEFINITION WERE IMMEDIATE FAMILY MEMBERS OF THOSE EVACUATED
BETWEEN LATTER DATES. POST BELIEVED, FOR EXAMPOE, THAT VIET-
NAMESE STUDENTS IN BELGIUM, WHO ARRIVED BEFORE 15 MARCH 1975,
CAME WITHIN DEFINITION OF REFUGEE IF THEY HAD IMMEDIATE FAMILY
MEMBERS WITHIN CONTINENTAL U.S. REFUGEE SYSTEM AND-, IF OTHER-
WISE QUALIFIED, WER ELIGIBLE FOR PAROLE. THE EMBASSY'S OPINION
WAS FURTHER CONFIRMED IN STATE'S TEL 211652 IN RER, PARA FOUR,
WHICH DEFINED REFUGEES AS THOSE CAMBODIANS AND VIETNAMESE
WHO LEFT THEIR COUNTRIES BETWEEN 15 MARCH AND 1 JULY 1975,
WITH CERTAIN EXCEPTIONS SUCH AS STUDENTS AND DIPLOMATS. STATE'S
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 BRUSSE 08542 251214Z

TEL 221649 IN REF APPEARS TO CONTRADICT PARTS OF PREVIOUS

DEFINITIONS OF REFUGEE. LATTER TEL STATES CATEGORICALLY THAT RELATIVES IN DEVELOPED COUNTRY IS NOT ELIGIBLE FOR PAROLE REGARDLESS OF IMMEDIATE RELATIVES IN U.S. SYSTEM UNLESS HE IN FACT REFUGEE WHO IS NOT ABLE RESETTLE IN THIRD COUNTRY.

3. POST REQUESTS GUIDANCE IN FOLLOWING SPECIFIC CIRCUMSTANCES:

A. A VIETNAMESE STUDENT ARRIVED IN BELGIUM IN 1972. BETWEEN 15 MARCH AND 1 JULY 1975, A MEMBER OF HIS IMMEDIATE FAMILY WAS EVACUATED DURING EMERGENCY INTO U.S. REFUGEE SYSTEM. HIS IMMEDIATE FAMILY IN U.S. SYSTEM IS HIS BROGHER-IN-LAW. IS STUDENT ELIGIBLE FOR PAROLE?

B. THE STUDENT'S IMMEDIATE: HIS SISTER. IS HE ELIGIBLE FOR PAROLE?

C. THE STUDENT'S FATHER IS IN JAPAN. HIS MOTHER IS IN U.S. SYSTEM. IS HE ELIGIBLE FOR PAROLE?

D. THE STUDENT ARRIVED IN BELGIUM IN 1972. IS NOW MARRIED TO BELGIAN CITIZEN. HIS BROTHER IS IN U.S. SYSTEM. STUDENT IS ELIGIBLE APPLY FOR BELGIAN NATIONALITY BUT PREFERS REJOIN BROTHER IN U.S. IS STUDENT ELIGIBLE FOR PAROLE? IF SO, WHAT STATUS WOULD HIS BELGIAN WIFE DERIVE?

E. STUDENT IN (D.) HAS MOTHER OR FATHER IN U.S. SYSTEM. HE REFUSES BELGIAN NATIONALIZATION NATIONALIZATION SINCE WISHES REJOIN PARENTS IN U.S. IS HE ELIGIBLE FOR PAROLE? HIS BELGIAN WIFE?

F. FORMER FEMALE SOUTH VIETNAMESE DIPLOMAT HAS HUSBAND IN U.S. SYSTEM. SHE COULD OBTAIN POLITICAL ASYLUM IN BELGIUM. REFUSES ASYLUM SINCE HUSBAND PREFERS REMAIN IN U.S. AND SHE WISHES REJOIN HIM. IS SHE ELIGIBLE FOR PAROLE?

G. SITUATION IN (F) THE REVERSE. APPLICANT FORMER DIPLOMAT IN BELGIUM ELIGIBLE FOR ASYLUM. WIFE IN U.S. SYSTEM. WIFE DECIDES REMAIN IN U.S. HUSBAND REFUSES ASYLUM TO REFOIN WIFE IN U.S. IS HE ELIGIBLE FOR PAROLE?

4. POST UNDERSTANDS THAT FORMER SOUTH VIETNAMESE DIPLOMATS, WHO LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 BRUSSE 08542 251214Z

ELIGIBLE FOR ASYLUM IN BELGIUM, AND WHO HAVE IMMEDIATE FAMILY IN U.S. SYSTEM, WHETHER SISTER, BROTHER, MOTHER, FATHER, BUT NOT REPEAT NOT SPOUSE, INELIGIBLE FOR PAROLE. IS THIS CORRECT?

5. CLARIFICATION OF ABOVE SITUATIONS AND ANY ADDITIONAL GUIDANCE REQUESTED.

6. CURRENT BELGIAN POLICY ON GRANTING POLITICAL ASYLUM TO

VIETNAMESE. GOB HAS NOT ACCORDED POLITICAL REFUGEE STATUS TO ANY SOUTH VIETNAMESE EXCEPT FOR LIMITED NUMBER FORMER DIPLOMATS. GOB HAS RECEIVED APPROXIMATELY 400 REQUESTS FOR ASYLUM FROM OTHER SOUTH VIETNAMESE, PRIMARILY STUDENTS, AND ESTIMATES UP TO 1,000 MAY APPLY FOR REFUGEE STATUS UNDER 1961 GENEVA CONVENTION. GOB HAS INFORMALLY DECIDED POSTPONE CONSIDERATION THESE REQUESTS UNTIL END OF 1975 OR EARLY 1976 TO PERMIT THESE VIETNAMESE TO CONSIDER WITH ALL DELIBERATION WHETHER THEY WISH BECOME REFUGEES OR ALTERNATIVELY MAKE THEIR PEACE WITH NEW REGIME AND RETURN TO VIETNAM.

7. COMMENT: ALL SOUTH VIETNAMESE THUS FAR INTERVIEWED AT POST, PRIMARILY STUDENTS, HAVE STATED CATEGORICALLY, AND REQUENTLY EMOTIONALLY, THAT THEY WILL NEVER ACCEPT COMMUNIST REGIME AND RETURN TO VIETNAM. RENNER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: INSTRUCTIONS, REFUGEES, POLITICAL ASYLUM
Control Number: n/a
Copy: SINGLE
Draft Date: 25 SEP 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CunninFX
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975BRUSSE08542
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750332-1042
From: BRUSSELS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750915/aaaaanav.tel
Line Count: 130
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION ITFE
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 22 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <22 APR 2003 by BoyleJA>; APPROVED <10 NOV 2003 by CunninFX>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: INDOCHINESE IN BELGIUM: (1) REQUEST FOR GUIDANCE ON DEFINITION OF REFUGEE; (2) BOG POLICH ON GRANTING POLITICAL
TAGS: SREF, BE, US
To: STATE ANTWERP
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006